REMARKS

In response to the Office Action of December 3, 2003, Applicants respectfully request reconsideration. To further the prosecution of this application, each of the rejections set forth in the Office Action is addressed below. Claims 1, 29, 45, and 52 are amended herein. The application is believed to be in condition for allowance.

Initially, the undersigned thanks Examiner Mirza for the courtesies extended in granting and conducting a telephone interview on February 11, 2004. The substance of the interview is summarized below.

The Office Action rejected claims 1-61 under 35 U.S.C. §103(a) as purportedly being obvious over Staheli (5,537,533) and Firooz (6,145,019). Applicants respectfully traverse this rejection for the reasons set forth in the Request for Reconsideration filed on September 2, 2003, which is incorporated herein by reference.

As discussed during the telephone interview, Staheli is directed to a network environment in which data stored on a primary network server is mirrored on a secondary network server. In case of failure of the primary network server, the secondary network server may be manually configured to serve as a replacement for the failed server. Thus, only one of the primary network server and the secondary network server is in use at any given time (Staheli, Col. 15, line 40).

As further discussed during the interview, Firooz discloses a PC in which peripheral devices (e.g., magnetic disk drives, compact disc drives, and tape drives) may be automatically configured as primary or secondary devices upon start up of the PC. Thus, any combination of these two references would (at most) yield a system in which the primary and secondary network servers disclosed by Staheli would include peripheral devices (e.g., magnetic disk drive, compact disc drives) which could be automatically configured as primary or secondary devices upon startup, as disclosed by Firooz, but wherein failure of the primary network server would result in a **manual** configuration of the second server as a **replacement**.

Applicants pointed out that claim 1 patentably distinguishes over any such system resulting from the combination of Staheli and Firooz, because claim 1 requires automatically configuring the second host computer, whereas in the Staheli-Firooz system, the secondary network server must be manually configured upon failure of the primary network server.

During the telephone interview, the Examiner indicated that Firooz was relied upon for teaching automatic configuration in a computer system, and that such a teaching would have motivated one to automate the configuring of the secondary server in Staheli in response to failure of the primary server. Applicants respectfully disagreed, as the teaching of automatically configuring a peripheral in a PC would not have motivated one to automatically configure a new server to take over for a failed one, and would not have suggested to one skilled in the art how to achieve such an automatic reconfiguration.

In addition, Applicants pointed out that even if one skilled in the art would have been motivated to automate the configuration of the secondary server in Staheli, claim 1 still patentably distinguishes over the combination of Staheli and Firooz because in the Staheli-Firooz system, only one network server is operational at any given time, whereas in claim 1, in response to detecting a decrease in performance, the second host computer is automatically configured to provide **additional computational resources** for the first host computer. Thus, in claim 1 the first and second host computers simultaneously provide computational resources in response to detecting a decrease in performance, whereas in the Staheli-Firooz system, the secondary network server is only operational upon failure of the primary network server.

During the interview, the Examiner questioned whether the limitation of claim 1 that recites, "detecting a decrease in performance of a first host computer," could be interpreted to read on detecting failure of the first host computer. If so, the Examiner asserted that claim 1 reads on the combination of Staheli and Firooz. However, the Examiner indicated that if it were clear that detecting a decrease in performance of the first host computer did not include detecting failure of the first host computer, claim 1 might distinguish over the combination of Staheli and Firooz.

Applicants respectfully disagree that claim 1 would read on the combination of Staheli and Firooz if the limitation "detecting a decrease in performance" is interpreted to include detecting failure, as the combination of Staheli and Firooz still fails to disclose or suggest configuring a second host computer "to provide additional computational resources" in response to detecting a decrease in performance. Staheli discloses that the secondary network server is configured upon failure of the primary network server, such that only one of the servers is operational at any time.

Nevertheless, to further the prosecution of this application, Applicants have amended claim 1 to clarify that "detecting a decrease in performance of the first host computer" does not include detecting failure of the first host computer. Specifically, Applicants have amended claim 1 to recite that in response to the act of detecting a decrease in performance, the second host computer is configured so that "the first and second host computers simultaneously provide computational resources." As claim 1 requires that second host computer be automatically configured to provide additional computational resources so that the first and second host computers simultaneously provide computational resources, the claim clearly would not read on the system of Staheli where the secondary server is only brought on-line after the failure of the primary server.

In view of the foregoing, it is respectfully asserted that claim 1 patentably distinguishes over Staheli and Firooz. Accordingly, it is respectfully requested that the rejection of claim 1 under 35 U.S.C. §103(a) be withdrawn.

Claims 2-28 depend from claim 1 and are patentable for at least the same reasons. Accordingly it is respectfully requested that the rejection of claims 2-28 also be withdrawn.

Independent claims 29, 45, and 52 also have been amended to clarify that the second host computer is automatically configured to provide additional comptational resources so that the first and second host computers simultaneously provide computational resources. Thus, in addition to the other reasons specified in the Request for Reconsideration filed September 2, 2003, claims 29, 45, and 52 patentably distinguish over the combination of Staheli and Firooz for this additional reason. Accordingly, it is respectfully requested that the rejection of claims 29, 45, and 52 under 35 U.S.C. §103(a) be withdrawn.

Claims 30-44 depend from claim 29, claims 46-51 depend from claim 45, and claims 53-61 depend from claim 52. Each of these dependent claims is patentable for at least the same reasons as the independent claim from which it depends. Accordingly, it is respectfully requested that the rejection of claims 30-44, 46-51, and 53-61 be withdrawn.
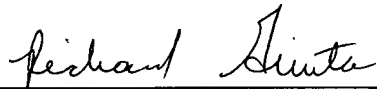
CONCLUSION

In view of the foregoing remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicants' attorney at the number listed below to discuss any outstanding issues relating to the allowability of the application.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to deposit account No. 23/2825.

Respectfully submitted,

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